

MICHAEL N. FEUER, City Attorney, SBN 111529
ASHA GREENBERG, Managing Asst. City Attorney, SBN 107375
ANH TRUONG, Asst. Supervising Deputy City Attorney, SBN 210435
MARIA AGUILLON, Deputy City Attorney, SBN 199851
200 N. Main Street, Suite 966
Los Angeles, California 90012
Telephone: 213.978.4090
Fax: 213.978.4670
E-Mail: maria.aguillon@lacity.org

NO FEE – GOV'T CODE § 6103

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 30 2015

Sharrn R. Carter, Executive Officer/Clerk
By: Paul So, Deputy

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF
CALIFORNIA ex rel. MICHAEL N. FEUER,
Los Angeles City Attorney,

Plaintiff,

vs.

PETER YANG CHON, an individual; MARIA
H. CHON, an individual; SANG HWA HAN,
individually and doing business as LILY CARE;
and DOES 1 through 100, inclusive,

Defendants.

) CASE NO. **BC 5 8 6 7 3 1**
)
) **COMPLAINT TO ABATE, PREVENT,**
) **AND ENJOIN A NUISANCE UNDER**
) **PENAL CODE SECTION 11225, ET SEQ.**
) **AND FOR VIOLATIONS OF**
) **CALIFORNIA BUSINESS &**
) **PROFESSIONS CODE SECTION 17200,**
) **ET SEQ.**

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, allege as follows,
which allegations are upon information and belief insofar as they pertain to the conduct of
Defendants:

///

///

INTRODUCTION

1. This action is brought and prosecuted by the People of the State of California ("People") for the purpose of enjoining, abating and preventing a nuisance as defined in Penal Code sections 11225, et seq. (the "Red Light Abatement Law"), which exists on the premises located at 2502 W. 3rd Street, Los Angeles, California 90057 (the "Property"). A business functioning as a massage parlor business, commonly known as "Lily Care" (referred to as the "Massage Business" or "Business"), is located on the Property. Sang Hwa Han owns and/or operates the Massage Business, along with Does 1-50 ("Business Defendants"). Peter Yang Chon and Maria H. Chon and Does 51-100 are the owners of the Property ("Owner Defendants").

2. Defendants have directly or indirectly conducted, maintained or permitted the Property to be used, from an exact date unknown, but at least since May 2012, for the purposes of lewd conduct and prostitution. In addition, the People seek to enjoin Defendants' violations of the Unfair Competition Law (Business and Profession Code sections 17200, et seq.) through this action. The People assert their power to remedy these injuries to the public interest by seeking to enjoin Defendants' future violations of law and to assess civil penalties against Defendants for past violations of law.

GENERAL ALLEGATIONS

The Parties

3. Plaintiff is the People of the State of California, acting through the Los Angeles City Attorney, Michael N. Feuer, who brings this action pursuant to the authority granted to him by Penal Code section 11226 and Business and Professions Code section 17204.

4. At all relevant times, 2502 W. 3rd Street Los Angeles, California 90057, with the legal description of: Lot 20 on Block "G" of the Knob Hill Tract, in the City of Los Angeles, County of Los Angeles, State of California, as Per Map Recorded in Book 10 Page(s) 97 of Miscellaneous Recordings, in the Office of the County Recorder of Said County, Also Known as: 2502 W. 3rd Street, Los Angeles, CA 90057 APN [Assessor's Parcel Number]: 5155-032-021 (the real property is hereinafter referred to as the "Property"), was and is real property located at

1 2502 W. 3rd Street, in the City and County of Los Angeles in California.

2 5. At all relevant times, Defendant Peter Yang Chon was and is the owner of the
3 Property and at all times mentioned herein has acted in such a capacity.

4 6. At all relevant times, Defendant Maria H. Chon was and is the owner of the
5 Property and at all times mentioned herein has acted in such a capacity.

6 7. As of at least May 2012, a business known as "Lily Care" has been operating at
7 2502 W. 3rd Street, Los Angeles, California 90057.

8 8. At all relevant times and since at least May 2012, Defendant Sang Hwa Han is
9 and has been the owner and/or operator of "Lily Care," the Massage Business on the Property,
10 and at all relevant times mentioned herein has acted in such a capacity.

11 9. Defendants Peter Yang Chon, Maria H. Chon and Sang Hwa Han, are, and at all
12 relevant times mentioned herein were, the owners of the Property and/or the owners/operators of
13 the Massage Business and each of them, lease to, own, possess, control, maintain, operate,
14 manage or supervise the Massage Business.

15 10. Plaintiff is ignorant of the true names and capacities of DEFENDANTS DOES 1
16 through 100, inclusive, and as such, sues these defendants by such fictitious names pursuant to
17 Section 474 of the California Code of Civil Procedure. Each such defendant is responsible in
18 some manner for conducting, maintaining, or directly or indirectly permitting the unlawful
19 activity complained of herein. When the true names and capacities of said defendants have been
20 ascertained, Plaintiff will ask leave of the court to amend this complaint and to insert in lieu of
21 such fictitious names the true names and capacities of any fictitiously named defendants.

22 11. At all relevant times mentioned herein, all defendants were and are agents,
23 lessors, lessees, servants, employees, partners and/or joint venturers of each other defendant, and
24 at all times were acting within the course and scope of said relationship and with the consent of
25 each of their co-defendants.

26 12. At all times mentioned herein, the City of Los Angeles, was and still is a
27 municipal corporation with a population in excess of 750,000 people, organized and existing
28 under the laws of the State of California for purposes of Business and Professions Code section

1 17204.

2 **Jurisdiction and Venue**

3 13. Each of the business acts and practices alleged herein were performed by
4 Defendants, in whole or in part, in the City of Los Angeles.

5 14. The Property that is the subject of this action is located in the City of Los
6 Angeles.

7 **FIRST CAUSE OF ACTION**

8 **FOR VIOLATION OF THE RED LIGHT ABATEMENT LAW**

9 **[Penal Code section 11225 et seq.**

10 **Against All Defendants and**

11 **DOES 1 through 100]**

12 15. The People incorporate paragraphs 1 through 14, above, as if fully realleged
13 herein.

14 16. This action is brought and prosecuted for the purpose of enjoining and abating a
15 red light nuisance, as defined in California Penal Code section 11225, et seq., which exists at
16 2502 W. 3rd Street, Los Angeles, California 90057.

17 17. Defendants have directly or indirectly conducted, maintained or permitted the
18 Property to be used, from an exact date unknown but at least since May 2012, for the purposes of
19 prostitution.

20 18. Since at least May 2012, the Massage Business at the Property is a place where
21 acts of prostitution are held or occur.

22 19. Since at least May 2012, LAPD officers have conducted numerous undercover
23 vice investigations that resulted in the arrests of several individuals for prostitution and
24 prostitution-related crimes at the Massage Business on the Property.

25 20. The Massage Business is a nuisance per se because of the ongoing and continuous
26 prostitution activities occurring there since at least May 2012, and must therefore be abated
27 pursuant to the Red Light Abatement Law.

28 ///

21. From May 2012 to the present, Defendants and DOES 1 to 100, and each of them, violated the Red Light Abatement Law by maintaining or permitting, directly or indirectly, nuisance prostitution acts to occur and/or by failing to abate or prevent nuisance prostitution acts from occurring at the Massage Business and/or the Property.

22. The Property has a reputation in the community as a location where prostitution takes place.

23. The activity set forth in paragraphs 1 through 22 has been a continuous and ongoing prostitution nuisance, under Penal Code sections 11225 et seq., upon the Property for more than one year.

24. Defendants, and each of them, have directly or indirectly conducted, maintained or permitted the nuisance described in paragraphs 1 through 23. Therefore, the nuisance existing at the Property must be abated and prevented in accordance with Penal Code sections 11225-11235.

25. Plaintiff has no adequate remedy at law, and unless Defendants and each of them are enjoined and restrained by order of the Court, they will continue to directly or indirectly maintain or permit the nuisance prostitution acts to occur at the Massage Business and/or the Property to the irreparable damage of the community and in violation of the law. The People have no plain, speedy, or adequate remedy at law, and so request the injunctive relief that is expressly provided by Penal Code sections 11225-11231.

SECOND CAUSE OF ACTION

**(For Unfair Competition – Violation of Business and Professions Code Section
17200 et seq. - Against All Defendants)**

26. Plaintiff incorporates herein by reference paragraphs 1 through 25 of this Complaint, as though fully set forth herein.

27. The practices prohibited by Business and Professions Code section 17200 are “any practices forbidden by law, be it civil or criminal, federal, state, or municipal, statutory, regulatory, or court-made. It is not necessary that the predicate law provide for private civil enforcement. As [the] California Supreme Court put it, section 17200 ‘borrows’ violations of

1 other laws and treats them as unlawful practices independently actionable under section 17200 et
2 seq.” (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal. App. 4th 861,
3 880 (internal citations and quotation marks omitted).)

4 28. The City of Los Angeles has a population in excess of 750,000 and the City
5 Attorney for the City of Los Angeles brings the second cause of action alleged herein on behalf
6 of the People, pursuant to Business and Professions Code section 17204, which provides that an
7 action under Chapter 5 of Division 7 of the Business and Professions Code may be brought in the
8 name of the People of the State of California by any city attorney of a city, or city and county,
9 having a population in excess of 750,000.

10 29. From May 2012, to the present, Defendants and DOES 1 to 100, and each of
11 them, violated the UCL by engaging in the following unlawful business acts and practices:

12 A. Directly or indirectly maintaining or permitting nuisance prostitution acts to occur
13 at the Property in violation of Penal Code section 11225 et seq., as shown by
14 each and every prostitution arrest made by the Los Angeles Police Department at the Property.

15 B. Failing to abate or prevent nuisance prostitution acts from occurring at the
16 Property in violation of Penal Code section 11225 et seq., as shown by each and every
17 prostitution arrest made by the Los Angeles Police Department at the Property.

18 30. From May 2012, to the present, Defendants and DOES 1 to 100, and each of
19 them, violated the UCL by engaging in the following unfair business acts and practices:

20 A. Directly or indirectly maintaining or permitting nuisance prostitution acts to occur
21 at the Property in violation of Penal Code section 11225 et seq., as shown by each and every
22 prostitution arrest made by the Los Angeles Police Department at the Property.

23 B. Failing to abate or prevent nuisance prostitution acts from occurring at the
24 Property in violation of Penal Code section 11225 et seq., as shown by each and every
25 prostitution arrest made by the Los Angeles Police Department at the Property.

26 31. Defendants’ acts of unfair competition present a continuing threat to the public’s
27 health, safety, and welfare. The People have no adequate remedy at law, and unless Defendants
28 are permanently enjoined and restrained by order of the Court, they will continue to commit acts

1 of unfair competition, and thereby continue to cause irreparable harm to the public's health,
2 safety, and welfare.

3 PRAYER

4 WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND
5 DECREE AS FOLLOWS:

6
7 AS TO THE FIRST CAUSE OF ACTION

8 1. Defendants, and each of them, and the Property, including all buildings and
9 structures thereon, be declared in violation of Penal Code section 11225, et seq.

10 2. That the Property, together with the fixtures and movable property therein and
11 thereon, be declared a nuisance and be permanently abated as such in accordance with Penal
12 Code section 11230.

13 3. That the Court grant preliminary and permanent injunctions in accordance with
14 Penal Code section 11225 et seq., enjoining and restraining Defendants, and each of them, their
15 agents, officers, employees and anyone acting on their behalf, from conducting, permitting,
16 maintaining, either directly or indirectly, the use of the Property as a public nuisance.

17 4. That as part of the Judgment, an Order of Abatement be Issued, and that the
18 Property be closed for a period of one year, not to be used for any purpose, and be under the
19 control and custody of this Court for said period of time.

20 5. That all fixtures and moveable property used in conducting, maintaining, and/or
21 permitting the nuisance at the Property be removed by LAPD and sold in the manner provided
22 for the sale of chattels under execution. Said fixtures and property shall be inventoried and a list
23 prepared and filed with this Court.

24 6. There shall be excepted from said sale such property to which title is established
25 in some third party not a defendant, nor agent, officer, employee or servant of any Defendant in
26 this proceeding. That the proceeds from said sale be deposited with this Court for payment of
27 the fees and costs of sale.

28 ///

1 7. Such costs as may occur in closing said Property and keeping it closed, removal
2 of said property and such other costs as the Court shall deem proper.

3 8. If the proceeds of the sale do not fully discharge all such costs, fees and
4 allowances, the Property shall also be sold under execution issued upon the order of the Court or
5 judge and the proceeds of such sale shall be applied in a like manner.

6 9. Any excess monies remaining after payment of approved costs shall be delivered
7 to the owner of said Property. Ownership shall be established to the satisfaction of this Court.

8 10. That the Defendants be required to obtain the Court's prior approval before
9 transferring, conveying, or encumbering, for consideration or otherwise, any portion of the
10 Property.

11 11. That the Defendants be ordered to immediately notify any transferees, purchasers,
12 commercial lessees, or other successors in interest to the subject Property of the existence and
13 application of any temporary restraining order, preliminary injunction, or permanent injunction
14 to all prospective transferees, purchasers, commercial lessees, or other successors in interest,
15 before entering into any agreement to sell, lease or transfer the Property for consideration or
16 otherwise, all or any portion of the Property that is the subject of this action.

17 12. That the Defendants be ordered to immediately give a complete, legible copy of
18 any temporary restraining order and preliminary and permanent injunctions to all prospective
19 transferees, purchasers, commercial lessees, or other successors in interest to the subject
20 Property.

21 13. That the Defendants be ordered to immediately request and procure signatures
22 from all prospective transferees, purchasers, commercial lessees, or other successors in interest
23 to the subject Property, which acknowledges his/her respective receipt of a complete, legible
24 copy of any temporary restraining order, preliminary and permanent injunction, and deliver a
25 copy of such acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City
26 Attorney Maria Aguillon.

27 ///

28 ///

1 14. That Plaintiff recover the costs of this action, including LAPD investigative costs
2 and attorneys' fees pursuant to California Civil Code section 3496(b).

3 15. That Plaintiff recover the amount of filing fees and the amount of fee for service
4 of process or notices which would have been paid but for Government Code section 6103.5.

5 16. That Defendants, and each of them, be assessed a civil penalty in an amount not
6 to exceed twenty-five thousand dollars (\$25,000.00).

7 AS TO THE SECOND CAUSE OF ACTION

8 17. That Defendants and their agents, officers, employees and anyone acting on their
9 behalf be declared in violation of Business and Professions Code section 17200 et seq.

10 18. That Defendants and their agents, officers, employees and anyone acting on their
11 behalf be permanently enjoined from maintaining, operating, or permitting any act or unfair or
12 unlawful competition in violation of Business and Professions Code sections 17200 et seq.

13 19. That the Court grant a preliminary and permanent injunction against Defendants
14 and their agents, officers, employees and anyone acting on his behalf abating the continuation of
15 the unfair or unlawful competition as herein described on the Property and ordering that the
16 conditions and activities, as herein described, be corrected and eliminated within the City of Los
17 Angeles.

18 20. That pursuant to Business and Professions Code sections 17200 et seq.,
19 Defendants and their agents, officers, employees and anyone acting on his behalf be assessed a
20 civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00), for each and every act of
21 unfair and unlawful competition, and every day that the property has been maintained as a
22 nuisance, including and not limited to violations of section 11225, et seq. of the Penal Code, the
23 Red Light Abatement Act.

24 ///

25 ///

26 ///

27 ///

28 ///

1 ON ALL CAUSES OF ACTION

2 21. That Plaintiff be granted such other and further relief as the Court deems just and
3 proper.

4
5 DATED: June 30, 2015

Respectfully submitted,
MICHAEL N. FEUER, City Attorney
ASHA GREENBERG, Managing Assistant City Attorney
ANH TRUONG, Asst. Superv. Deputy City Attorney

6
7
8 By: 

MARIA AGUILON, Deputy City Attorney
Attorneys for Plaintiff, THE PEOPLE OF THE STATE
OF CALIFORNIA
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28